

**ERIE COUNTY LEGISLATURE
MEETING NO. 9
MAY 11, 2006**

The Legislature was called to order by Chairman Marinelli.

All members present.

Ms. Konst offered a quote by WML Jay as an invocation.

The Pledge of Allegiance was led by Legislator Kennedy.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – No Minutes of Previous Meeting.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. WHYTE presented a resolution Honoring Amber Dawn Helms & Virginia Moore for Their Efforts on Improving Mine Safety Throughout The U.S. After the Sago Mine Disaster on January 2, 2006 that Claimed the Life of Terry Helms.

Item 6 – KOZUB & IANNELLO presented a resolution Recognizing The Week of May 15, 2006, as Safety Week in Erie County.

Item 7 – MR. KENNEDY presented a resolution Honoring the Ancient Order of Hibernians in America - The Largest Irish-American Organization on the 25th Anniversary of the Hunger Strike of 1981.

Item 8 – MS. WHYTE presented a resolution Honoring Officer Danny Figueroa Upon His Retirement From the Buffalo Police Department After 35 Years of Service.

Item 9 – MS. MARINELLI presented a resolution Recognizing May 16, 2006, as Paralegal Day In Erie County.

Item 10 – MR. SMITH presented a resolution Declaring May 5, 2006, as "Vera Medley Foster Day" In Erie County.

Item 11 – MS. WHYTE presented a resolution Honoring Amber Dawn Helms - Daughter of Terry Helms (The Miner Who Was Instantly Killed When the Sago Miner Explosion Occurred).

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Item 12 – THE MAJORITY CAUCUS presented a resolution Recognizing the Unveiling of Fr. Thomas M. Conway Bust at the Buffalo and Erie County Naval and Military Park in Downtown Buffalo on May 20, 2006.

Item 13 – MS. MARINELLI presented a resolution Honoring Adolph Bassenello Upon Winning the 2006 Franklin Delano Roosevelt Award.

Item 14 – MARINELLI, HOLT & SMITH presented a resolution Honoring the CAO Upon Celebrating Their 41st Anniversary Art Auction & Award Winners of 2006.

Item 15 – MR. WEINSTEIN presented a resolution Honoring Susan Fernandez Bruckheimer for Receiving the Nancy J. Borins Woman of the Year Award for 2006.

Item 16 – MR. HOLT presented a resolution Recognizing Frank W. Thomas Upon Retiring From the Erie County Sheriff Dept. After 28 Years of Service.

Item 17 – MS. MARINELLI presented a resolution Honoring Retiring Democratic Official.

Item 18 – MS. MARINELLI presented a resolution Honoring Local Boyscout.

MS. WHYTE moved for consideration of the above fourteen items. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above fourteen items for Et Al Sponsorship and include 3 additional miscellaneous resolutions. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above fourteen items as amended. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 19 - CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 20 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – MR. KENNEDY presented the following Local Law and moved for immediate consideration and approval. MS. WHYTE seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: WEINSTEIN, HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: MILLS, RANZENHOFER, KONST and LOCKLEAR. (AYES: 11; NOES: 4)

CARRIED.

COUNTY OF ERIE
 LOCAL LAW INTRO NO. 3 - 2006
 LOCAL LAW NO. - 2006

A LOCAL LAW in relation to a requirement for New York State Certified Worker Training Programs by contractors and subcontractors under construction contracts, as defined herein, with the County of Erie.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that:

- A. New York Labor Law Section 816-b specifically authorizes this Local Law.
- B. There has been a long and productive history of partnership between labor and management in the training of workers in New York State.
- C. New York State Certified Worker Training Programs are valuable educational and training tools for the local workforce by reducing reliance on out-of-area labor for construction projects.
- D. New York State Certified Worker Training Programs provide opportunities to residents in this area through training and education for skilled jobs.
- E. These skilled jobs allow us to reinvest our taxpayer dollars spent on local construction projects so that local workers and local tax dollars remain within the local community.
- F. It would be valuable to encourage labor and business/industry to participate in New York State Certified Worker Training Programs to meet the increased need for trade persons while providing residents the means to earn a better living and fostering the local and regional economies.
- G. It is valuable for local government to encourage broad participation in such New York State Certified Worker Training Programs by the residents of Erie County and to foster the equal opportunity of men and women of all races and backgrounds to participate in order to enhance

workforce development and diversification, and to prevent exclusionary practices which have historically excluded women and minorities.

H. The New York State Department of Labor sets objective standards and provides oversight for New York State Certified Worker Training Programs. These Programs are important because they require on-the-job training and classroom training, and provide objective industry standards. In effect these programs lead to a standardized, cost effective and skilled local workforce.

I. Nothing in this Local Law should be read to abrogate the duty of Erie County with respect to its MBE/WBE requirements.

Section 2. Short Title.

This Local Law shall be known as "The Erie County Workforce Development and Diversification New York State Certified Worker Training Program."

Section 3. Definitions.

A. "New York State Certified Worker Training Program" shall mean: a state registered and regulated apprenticeship program through the New York State Department of Labor that has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law, that includes the following standards:

(i) An organized, written plan in place that embodies the terms and conditions of employment, and the training and supervision of one or more workers;

(ii) A schedule of wages to be paid to the worker consistent with the skills required and approved by the New York State Department of Labor;

(iii) Equal opportunity and affirmative action plans;

(iv) Workforce development and diversification goals to ensure that the contractor will diligently work toward a minority workforce goal of 30% minority and female participation combined in project personnel including trades people, trainees, journeymen, apprentices, and supervisory staff; and

(v) A minimum of ten (10%) percent of the total construction workers, trades people, trainees, journeymen, and apprentices employed at any given time on a particular project by any and all contractors or subcontractors must consist of persons participating in a New York State Certified Worker Training Program.

B. "Commissioner" shall mean the Commissioner of the Erie County Department of Public Works.

C. "Construction contract" shall mean projects with a value in excess of \$250,000 where Erie County is a direct or indirect party to the contract which includes more than an incidental amount of construction type activity intended to benefit the public, including all work which is necessary, incidental or connected with the execution of the contract which is performed by construction

workers. A public entity need not be party to the construction contract. A construction contract includes: projects that Erie County funds directly, projects that Erie County funds indirectly by providing funds to a separate entity to perform the construction type activity; privately financed construction projects specifically built with the intent of leasing them to any Department of Erie County government; and construction projects built under Erie County's direction and later paid for with Erie County funds.

D. "Construction subcontract" shall mean any subcontract between a contractor who has a construction contract as defined in Section 3, subdivision C above.

E. "Contractor" or "subcontractor" shall mean a contractor or subcontractor that directly employs construction workers, as defined below, under a construction contract or construction subcontract, as defined herein, for which a New York State Certified Worker Training Program is required.

F. "Construction worker" shall mean an individual directly involved in the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility, roads, highways, bridges, or physical structure of any kind, but does not include professional services employees or those construction workers for which a New York State Certified Worker Training Program does not exist.

Section 4. Requirements.

A. Any contractor, prior to entering into a construction contract as set forth in section 3 (C) above, or any subcontractor entering into a construction subcontract with a contractor who has a construction contract with the County of Erie is required to have in place and provide written proof of same at the time of bid a New York State Certified Worker Training Program, either internally to the contractor or subcontractor and/or through an organization servicing several contractors or subcontractors, appropriate for the type and scope of work to be performed.

B. Any contractor or subcontractor, as defined herein, shall strive to meet the minimum workforce development and diversification goals set forth in section 3(A) (iv) above. Such contractors and/or subcontractors shall provide the Commissioner or designated compliance officer with the following:

(i) A monthly workforce census and such other employment and/or payroll records necessary to verify an attempt to achieve the workforce development and diversification goals set forth in Section 3(A)(iv) above.

(ii) Access to and cooperation with the project compliance officer to review records on-site and/or at worksite premises to validate attempts to achieve the workforce development and diversification goals set forth in Section 3(A)(iv) above.

(iii) With bid submission, a statement committing to providing apprenticeship training opportunities to workers, as well as details of workforce diversification recruiting program directed at attracting candidates to fill positions to meet the minimum workforce development and diversification goals set forth in Section 3(A)(iv) above.

Section 5. Rules & Regulations.

As of the date this Local Law becomes effective, the Commissioner of the Erie County Department of Public Works shall promulgate such rules and regulations that are lawful, necessary and appropriate to implement, enforce or otherwise carry out the purposes of this Local Law, provided that the Legislature, by simple majority, has not voted to disapprove such rule or regulation within sixty (60) days from the Commissioner's written notice to the Legislature that such rule or regulation has been promulgated.

Section 6. Equal Employment Monitoring.

There shall be an Independent Monitor to report on the compliance of each County contractor and subcontractor with this Local Law's workforce development and diversification goals. The Commissioner of DPW shall develop regulations that provide for the compensation of the Independent Monitor.

The Monitor shall monitor and review every facet of construction to report what percentage of the goals that are established for minority and female participation are met or exceeded. The Monitor shall report to the Equal Employment Opportunity Office on the compliance of each contractor and subcontractor with the workforce development and diversification goals.

The Monitor shall file monthly reports with the Equal Employment Opportunity Office regarding the actual workforce development and diversification goals, including reporting all instances of non-compliance; make appropriate recommendations to the Equal Employment Opportunity Office when non-compliance is evident with supportive documentation; develop a database of the workforce of each contractor and subcontractor to provide a visual format of each contractor's workforce, both monthly and year-to-date cumulative totals on each construction contract.

Section 7. Compliance.

The Director of Erie County Division of Equal Employment shall ensure that all contractors and subcontractors entering into a construction contract as it is defined herein, maintain records which prove that each construction worker as it is defined herein, signs in and out at the beginning and end of each day, listing next to his or her name his or her craft, and status as journeyman or apprentice, if applicable.

Section 8. Penalties.

Violation of any provision of this Local Law shall constitute cause, grounds or other legal justification for termination of any contractual agreement with any contractor or subcontractor engaged in a construction contract or construction subcontract with the County, in accordance with County and state laws, rules and regulations governing the termination of such contractual agreements.

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be

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adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 10. Applicability.

This Local Law shall apply to construction contracts advertised for bids on or after the effective date.

Section 11. Effective Dates.

This Local Law shall take effect 30 days after the filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

TIMOTHY M. KENNEDY

LYNN M. MARINELLI

MARIA R. WHYTE

DANIEL M. KOZUB

GEORGE A. HOLT

THOMAS A. LOUGHRAN

THOMAS J. MAZUR

MICHELE M. IANNELLO

ROBERT B. REYNOLDS, JR.

DEMONE A. SMITH

COMMITTEE REPORTS

Item 22 – MS. LOCKLEAR presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132

MAY 2, 2006

HEALTH COMMITTEE
 REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 6M-14 (2006)
NYS SENATOR DALE VOLKER: Impact of Medicaid Upon Erie County Budget
 (3-0)

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b. COMM. 7D-10 (2006)
PERSONNEL: Variable Minimum Health Department (Item 6E-12)
 (3-0)

2. COMM. 7E-16 (2006)
COUNTY EXECUTIVE

WHEREAS, the New York State Health Department has indicated that the Erie County Department of Health has qualified for a grant to enhance beach sampling, for the period 10/1/05 to 9/30/06 in the amount of \$10,090, and

WHEREAS, each beach will be tested by the Erie County Department of Health once a week throughout the bathing season, and

WHEREAS, samples will routinely be collected, chilled and transported to the Erie County Public Health Laboratory for testing within 6 hours of sample collection for *E.coli* bacteria using proposed EPA methodologies, and

WHEREAS, a beach will be closed when New York State and EPA standards are exceeded, and will remain closed until subsequent tests indicate a water quality that meets the accepted standards, and

WHEREAS, a sign will be posted for closed beaches with verbiage that is acceptable to the permit issuing official, and

WHEREAS, results of testing and reporting of results will be directed to the New York State Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with the New York State Department of Health to accept a grant to enhance beach sampling which is budgeted as follows:

BEACH WATER QUALITY MONITORING PROGRAM
10/1/05 – 9/30/06

		NEW
ACCT	REVENUE	BUDGET
409000	STATE AID	<u>\$ 10,090</u>
	TOTAL	<u>\$ 10,090</u>
EXPENSES		
501000	OVERTIME	\$ 6,000

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505000	OFFICE SUPPLIES	490
	ID HEALTH LAB	
912730	SERVICES	<u>3,600</u>
	TOTAL	<u>\$ 10,090</u>

PUBLIC HEALTH LAB		
Increase Account 505800	Medical Supplies	\$3,600
Increase Account 912730	ID Health Lab Services	\$3,600

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(3-0)

3. COMM. 8E-27 (2006)

COUNTY EXECUTIVE

WHEREAS, diabetes is a major cause of death and disability for Western New Yorkers, and

WHEREAS, the Erie County Department of Health has been a leader, through the Western New York Public Health Alliance, in addressing regional public health concerns, and

WHEREAS, the Erie County Department of Health received a grant award from the New York State Health Department in the amount of \$50,000 on behalf of the Western New York Public Health Alliance, and

WHEREAS, it is necessary to enter into subcontracts with Healthy Community Alliance in the amount of \$41,500 and St. Bonaventure University in the amount of \$6,000 to implement the Fit and Fun diabetes prevention program in elementary schools in the seven WNY counties.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a grant award from the New York State Health Department to be budgeted as follows:

**Prevention of Type 2 Diabetes in Children
4/1/06 – 3/31/07
SAP Title: 127DIABCHILD0607**

SAP	REVENUE	BUDGET
420499	Other Local Source Revenue	<u>\$50,000</u>
	TOTAL	<u>\$50,000</u>

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EXPENSES		
516020	Professional Service & Contracts	\$47,500
912700	ID – Health	<u>2,500</u>
	TOTAL	<u>\$50,000</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with Healthy Community Alliance in the amount of \$41,500 and St. Bonaventure University in the amount of \$6,000 to implement the Fit and Fun Diabetes Prevention program in elementary schools in the seven WNY counties, and be it further

RESOLVED, that the subcontracts with, Healthy Community Alliance and St. Bonaventure University are special services which must be provided immediately and were originally proposed to the granting agency and are now expected by the granting agency to complete the grant deliverables and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (3-0)

CYNTHIA LOCKLEAR
CHAIRPERSON

Item 23 – MR. HOLT presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

MAY 4, 2006

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR REYNOLDS.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5M-14 (2006)
COUNCILMAN DAVIS: Johnnie B. Wiley Sports Pavilion
 (3-0)
 - b. COMM. 6E-1 (2006)

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COMPTROLLER: Copy of Memo to Comptroller Re: New York State Thruway Litigation
 (3-0)

c. COMM. 6D-5 (2006)

DISS: Erie County 24 Hour Vehicle Report
 (3-0)

d. INTRO 7-8 (2006)

SMITH: Opposition to Mayoral Election in New Orleans, LA
 (3-0)

e. INTRO 7-14 (2006)

MARINELLI ET AL: Special Election in the 142nd Assembly District
 (3-0)

f. COMM. 7E-10 (2006)

COMPTROLLER: Official Response by BOE Commissioner to BOE Audit
 (3-0)

g. COMM. 7M-2 (2006)

CITY OF BUFFALO COMMON COUNCIL: Amendment of Parks Agreement for
 Transfer of Johnnie B. Wiley Sports Pavilion
 (3-0)

2. COMM. 7E-14 (2006)

COUNTY EXECUTIVE

WHEREAS, personnel changes in the Central Police Services Training Academy are needed in the organizational structure to improve the delivery of services to the law enforcement community, and

WHEREAS, personnel changes in the Central Police Services Training Academy are needed to accommodate the additional training needed due to the partnership with ECC and the Pre-Employment program.

NOW, THEREFORE, BE IT

RESOLVED, that an additional four part-time training instructor positions are established in the 2006 budget of the Department of Central Police Services (B100 #1941), Fund 110, Department 650, and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the County Comptroller and the Commissioner of Central Police Services.

(3-0)

3. INTRO 8-2 (2006)

AS AMENDED

REYNOLDS

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WHEREAS, horseback riding is both a major recreational sport and a major industry within New York State; and

WHEREAS, there are inherent risks, including, but not limited to, the risks of personal injury or death and property damage which may be caused by the propensity of equines to behave in ways not always controllable by the participant; and

WHEREAS, it is in the public interest to establish certain duties and obligations of equine sponsors and equine professionals relative to the safety of the horseback riding public; and

WHEREAS, it is necessary that the public becomes appraised of, and may make an informed decision of whether or not to participate; and

WHEREAS, S.6821 has been introduced in the State Senate and A.9329 has been introduced in the State Assembly, to:

- Establish guidelines for the conduct of the participants, sponsors, and Professionals involved in the sport of horseback riding;
- Educate the public as to the inherent risks in the sport of horseback riding, so as to minimize the risk of injury to persons engaged in the sport of horseback riding;
- Promote safety in the horseback riding industry;
- Preserve the financial sustainability of the equine sponsors and equine professionals engaged in the horseback riding industry; and

WHEREAS, the Cattaraugus County Legislature has already voted to support these legislations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby supports New York State Senate Bill S.6821 and the New York State Assembly Bill A.9329, both of which establish an Equine Activity Safety Code; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Governor Pataki, all Senators and Assembly members representing Erie County, the New York State Association of Counties and the Western New York Inter-County Association.
(3-0)

GEORGE A. HOLT
CHAIRMAN

Item 24 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

MAY 4, 2006

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-16 (2006)
COUNTY EXECUTIVE: DPW - Amendment to Comm. 8E-21 - Reconstruction of Maple Rd. (CR 192) - Town of Amherst - NYSDOT PIN 5755.33
 (3-0)
 - b. COMM. 5E-37 (2006)
KOZUB: Copy of Letter to County Executive Re: Suit Against NYS Thruway Authority
 (3-0)
 - c. COMM. 7E-4 (2006)
SMITH: Copy of Letter to DPW Commissioner Re: Asbestos Removal on 14th Floor of Rath Building and Alleged Illegal Workers
 (3-0)
 - d. COMM. 7E-33 (2006)
COUNTY EXECUTIVE: DPW - Ralph Wilson Stadium - 2006 - Site Work, Structural Repairs and Miscellaneous Work - Phase 2
 (3-0)
 - e. COMM. 7E-34 (2006)
COUNTY EXECUTIVE: DPW - Ralph Wilson Stadium - 2006 - Site Work, Structural Repairs and Miscellaneous Work - Phase 2
 (3-0)
 - f. COMM. 8D-9 (2006)
DPW: Rath Building 14th Floor Asbestos Abatement
 (3-0)
2. COMM. 7E-27 (2006)
COUNTY EXECUTIVE
 WHEREAS, a project for the replacement of the Freeman Road Bridge 369-3, over Smokes Creek, BIN 3328010, in the Town of Orchard Park, Erie County, PIN 5756.38 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

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WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5756.38, and

WHEREAS, in order to facilitate the reconstruction of the bridge, it will be necessary for the County to acquire by fee, permanent easement or temporary easement, portions of real property in the vicinity of the bridge, such property to be acquired by the County is hereinafter referred to as the "Subject Properties", and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings, and

WHEREAS, the Village of Orchard Park on January 24, 2005 passed a resolution agreeing to negotiate a Memorandum of Understanding regarding the transfer of ownership of the adjacent dam to the Village of Orchard Park upon completion of the bridge/dam reconstruction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject project, and be it further,

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the costs of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project or portions thereof, and be it further,

RESOLVED, that the sum of \$375,000 previously appropriated from the 2002 Federal Aid Road and Bridge Project Program (SAP B.00044) for the project's Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals Phases via County Resolution No. 11E-20 adopted July 3, 2003 and made available to cover the cost of participation in the above phases of the Project will now also cover the cost of the Right-of Way Acquisition Phase of the Project, and be it further,

RESOLVED, that in the event the full Federal and non-Federal share cost of the of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$375,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance

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funding of Project costs and permanent funding of the local share of Federal-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further,

RESOLVED, that the Commissioner of Public Works or his authorized representatives, are hereby authorized to negotiate with the owners of the following properties towards acquiring a portion of their real property, either by fee or by temporary or permanent easement, which is necessary for the replacement of the bridge project:

<u>Parcel Number</u>	<u>Township</u>
162.18-1-14	Orchard Park
162.18-1-36	Orchard Park
162.18-1-9	Orchard Park
162.18-1-8	Orchard Park

and be it further,

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee interests in the Subject Properties, and be it further,

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed fair market value, the County Executive shall be authorized to commence eminent domain procedures, and be it further,

RESOLVED, that the County Executive be authorized to transfer ownership of the adjacent dam to the Village of Orchard Park, and be it further,

RESOLVED, that the County Executive be authorized to execute all agreements relating to the dam transfer transaction between the County and the Village of Orchard Park, and be it further ,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner of Public Works to be forwarded to the New York State Department of Transportation and also one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget, Management and Finance, and the County Comptroller.
 (3-0)

3. COMM. 7E-39

AS AMENDED

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on April 6, 2006 for the Rath Building – 2006 – 14th Floor Renovations project, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder.

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NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts for the Rath Building – 2006 – 14th Floor Renovations project as follows:

GENERAL CONSTRUCTION WORK

Trason Development Corporation

Base Bid	\$ 530,088.00
Add Alternative G-7 Custom Millwork Inductive	<u>\$ 43,890.00</u>
Unit Covers	\$ 573,978.00
Total General Construction Contract	

PLUMBING WORK

MKS Plumbing Corporation

Base Bid & Total Plumbing Contract	\$ 51,515.00
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ELECTICAL WORK

Industrial Power & Lighting Corp.

Base Bid & Total Electrical Contract	\$ 228,000.00
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HVAC WORK

Parisi Mechanical, Inc.

Base Bid	\$ 389,000.00
Alternate H-1 (Deduct) Custom Metal Induction	<u>\$(52,000.00)</u>
Covers	\$ 337,000.00
Total HVAC Contract	

FURNITURE, FIXTURE AND EQUIPMENT WORK

Millington Lockwood

Base Bid & Total Furniture, Fixtre, & Equipment Contract	<u>\$ 150,766.69</u>
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TOTAL FOR ALL CONTRACTS	\$1,341,259.69
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and be it further

RESOLVED, that the sum of \$200,000 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency, and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the contingency fund, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the following SAP accounts:

A.00051 – '02 Asbestos Abatement and Reconstruction	\$ 873,603.00
A.00052 – '02 Asbestos Abatement and Reconstruction – Rath Building	<u>\$ 703,657.00</u>
 Total Payments Not to Exceed:	 \$1,541,260.00

And be it further

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; one copy to the County Executive; one copy to the Division of Budget, Management & Finance; and one copy to the Office of the Comptroller.
 (3-0)

4. INTRO 8-8

AS AMENDED

WHYTE

WHEREAS, universal access to affordable quality telephone service and consumer protection have been longstanding objectives of New York State; and

WHEREAS, the Public Service Commission (PSC) issued a report (entitled "COMP III") to change the telecommunication landscape for decades to come and yet did so with virtually no public input from local and state officials; and

WHEREAS, the PSC plans to raise the price of basic phone service, and

WHEREAS, the PSC plans through "pricing flexibility" to allow major price increases for all New York consumers; and

WHEREAS, the PSC plans to further weaken service quality requirements, and

WHEREAS, the PSC plans to eliminate consumer protections as well as the penalties on companies that violate traditional service quality standards; and

WHEREAS, the PSC's plans to lift consumer protections and price caps will hurt New York consumers, especially rural, low-income urban, and seniors; and

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WHEREAS, the PSC has not adequately studied the impact of their proceedings on New York's most vulnerable communities; and

WHEREAS, Assembly bill 9807/Senate bill 6787 would halt the PSC proceedings until a comprehensive study is done to determine the impact on New York consumers of lifting price caps and protections; and

WHEREAS, the Erie County Legislature is committed to ensuring affordable, quality telecommunication services for all of our residents.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the passage of NYS Assembly bill 9807/Senate bill 6787 and calls on the Public Service Commission to immediately halt their proceedings that stand to hurt New Yorkers until an adequate study can be done of the potential impact of those proceedings; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Western Delegation to the NYS Legislature and Governor George Pataki.
 (3-0)

TIMOTHY M. KENNEDY
CHAIRMAN

Item 25 – MS. SMITH presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

MAY 4, 2006

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6D-7 (2006)
BUDGET, MANAGEMENT & FINANCE: Grant Program Request - As Discussed at Finance & Management
 (4-0)
 - b. COMM. 7E-6 (2006)
IANNELLO, KONST & LOCKLEAR: 2006 Legislative Action Plan
 (4-0)

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- c. COMM. 7E-37 (2006)
COMPTROLLER: Apportionment & Distribution of Net Collection from the Local 4.75% Sales and Compensating Use Tax for 1/06 - 3/06
(4-0)
- d. COMM. 7D-9 (2006)
BUDGET, MANAGEMENT & FINANCE: BMR for Period Ending February 28, 2006
(4-0)
- e. COMM. 8M-3 (2006)
ECFSA: Copy Notice of Deposit of \$42 Million in Their RAN Withholding Fund Account for the Repayment of the \$80 Million RAN
(4-0)

2. COMM. 2D-3 (2006) **AS AMENDED**
BUDGET, MANAGEMENT & FINANCE

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered **206129** through **206174** inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2006	Petition No.	206129	
	ASSESSOR	Cancel	\$10,990.21
S-B-L	111.45-4-2.1	140200	BUFFALO
	Acct. No. 112	\$10,990.21	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
Charge To :	140200	BUFFALO	\$0.00

CANCEL - CLERICAL ERROR, THESE PARCELS WERE ACQUIRED FOR THE PLANNED FEDERAL COURTHOUSE ON NIAGARA SQUARE. THE FEDERAL GOVERNMENT IS EXEMT FROM DATE OF ACQUISTION . RPTL 401

FISCAL YEAR 2006	Petition No.	206130
	ASSESSOR	Cancel \$1,389.02

S-B-L 101.08-1-13.21 **140900 LACKAWANNA**

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	Acct. No. 112	\$1,389.02	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<u>Charge To :</u>	140900 LACKAWANNA	\$0.00	

CANCEL - CLERICAL ERROR, THESE PARCELS ARE OWNED BY THE CITY OF LACKAWANNA THROUGH THE FORECLOSURE PROCESS. THEY ARE EXEMPT FROM COUNTY TAX. RPTL 550(2)C

FISCAL YEAR 2006 Petition No. **206131**

ASSESSOR **Cancel** \$142.17

S-B-L 41.07-4-2.1/20B **142289 AMHERST**

	Acct. No. 112	\$70.73	County
	Acct. No. 132	\$71.44	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$71.44	

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 14,070 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C
CHECK FOR: GERTRUDE DUKAT

FISCAL YEAR 2004 Petition No. **206132**

ASSESSOR **Refund** \$184.56

S-B-L 67.80-2-6 **142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$184.56	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$184.56	

REFUND- CLERICAL ERROR, THE PARECEL WAS CHARGED FOR 2 UNITS OF GARBAGE SHOULD ONLY BE 1UNIT. THIS ISA SINGLE FAMILY HOME. RPTL 550(2)E
CHECK FOR: JANET LENICHEK & DREW EATON

FISCAL YEAR 2005 Petition No. **206133**

ASSESSOR **Refund** \$194.70

S-B-L 67.80-2-6 **142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$194.70	Town/SpecialDist/School

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Charge To : 143889 CONCORD \$37.69

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 12,875 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)c

FISCAL YEAR 2006 Petition No. 206143

ASSESSOR Cancel \$356.80

S-B-L 355.00-1-7.2 143889 CONCORD

Acct. No. 112 \$224.90 County

Acct. No. 132 \$131.90 Town/SpecialDist/School

38019 CONCORD FIRE PROTECT \$60.84

Charge To : 143889 CONCORD \$71.06

CANCEL - ERROR IN ESSENTIAL FACT, THE LAND IS PART OF THE ROW FOR THE NEW YORK STATE EXPRESSWAY ROUTE 219 AND OWNED BY DEPARTMENT OF TRANSPORTATION. RPTL 550(3)C

FISCAL YEAR 2006 Petition No. 206144

ASSESSOR Cancel \$12.89

S-B-L 224.06-1-1 144000 EDEN

Acct. No. 112 \$0.00 County

Acct. No. 132 \$12.89 Town/SpecialDist/School

Charge To : 144000 EDEN \$12.89

CANCEL CLERICAL ERROR, THE FIRE/AMBULANCE EXEMPTION IN THE AMOUNT OF 2,437 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2006 Petition No. 206145

ASSESSOR Cancel \$123.23

S-B-L 238.11-1-12 144000 EDEN

Acct. No. 112 \$62.70 County

Acct. No. 132 \$60.53 Town/SpecialDist/School

40019 FIRE PROTECTION \$7.15

Charge To : 144000 EDEN \$53.38

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REFUND-CLERICAL ERROT, THE FOOTAGE ON THE ERIE COUNTY SEWER TAX SHOULD BE 80 FEET NOT 119 FEET ON THE TAX ROLL. RPTL 550(2)E
 CHECK FOR: NEIL & LORI SQUIER

FISCAL YEAR 2006	Petition No.	206149	
	ASSESSOR	Refund	\$23.40
S-B-L 235.11-1-63		144489 EVANS	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$23.40	Town/SpecialDist/School
44101 EC2 FOOTAGE		\$23.40	
<u>Charge To :</u>	144489 EVANS		\$0.00

REFUND- CLERICAL ERROR, THE FOOTAGE ON THE ERIE COUNTY SEWER TAX SHOULD BE 80 FEET NOT 119 FEET ON THE TAX ROLL. RPTL 550(2)E
 CHECK FOR: NEIL & LORI SQUIER

FISCAL YEAR 2006	Petition No.	206150	
	ASSESSOR	Cancel	\$120.00
S-B-L 158.00-1-18.1		145400 MARILLA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$120.00	Town/SpecialDist/School
<u>Charge To :</u>	145400 MARILLA		\$120.00

CANCEL- CLERICAL ERROR, THE SANITATION TAX IN THE AMOUNT OF 120.00 WAS PLACED ON THIS PARCEL IN ERROR. THIS LAND IS USED FOR AGRICULTURAL PURPOSES ONLY. RPTL 550(2)E

FISCAL YEAR 2006	Petition No.	206151	
	ASSESSOR	Cancel	\$5.02
S-B-L 61.00-5-1.2/48		145689 NEWSTEAD	
	Acct. No. 112	\$3.15	County
	Acct. No. 132	\$1.87	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$1.87

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CHECK FOR: MARK & KATHLEEN WROBLEWSKI

FISCAL YEAR 2006 Petition No. **206161**

OWNER **Cancel** \$291.36

S-B-L 133.79-1-56 **140200 BUFFALO**

Acct. No. 112 \$291.36 County
 Acct. No. 132 \$0.00 Town/SpecialDist/School

Charge To : **140200 BUFFALO** **\$0.00**

CANCEL - ERROR IN ESSENTIAL FACT, THIS PARCEL IS VACANT LAND WITH NO IMPROVEMENTS. THE ASSESSMENT WAS 61,600 AND SHOULD BE 4,800.
 RPTL 550(3)A

FISCAL YEAR 2006 Petition No. **206162**

ASSESSOR **Refund** \$199.50

S-B-L 67.12-4-27 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$199.50 Town/SpecialDist/School

Charge To : **142289 AMHERST** **\$199.50**

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED FOR 2 UNITS OF REFUSE WHEN IT SHOULD ONLY BE 1 UNITS. RPTL 550(2)E
 CHECK FOR: HENRY J BOROWSKI

FISCAL YEAR 2006 Petition No. **206163**

ASSESSOR **Refund** \$1,034.35

S-B-L 81.10-3-26 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,034.35 Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION \$1,034.35
Charge To : **142289 AMHERST** **\$0.00**

REFUND-CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 53,120

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FISCAL YEAR 2005	Petition No.	206170	
	ASSESSOR	Refund	\$669.57
S-B-L 130.00-10-6.1		145400 MARILLA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$669.57	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$669.57	
<u>Charge To :</u>	145400 MARILLA		\$0.00

REFUND-CLERICAL ERROR, TWO BASIC STAR EXEMPTIONS WERE OMITTED FROM THE TAX ROLL. THE EXEMPTION WAS 965,100 AND SHOULD BE 985,300. RPTL 550(2)B
 CHECK FOR: BUSH GARDENS LLC

FISCAL YEAR 2005	Petition No.	206171	
	ASSESSOR	Refund	\$305.88
S-B-L 148.00-4-16		145400 MARILLA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$305.88	Town/SpecialDist/School
<u>Charge To :</u>	145400 MARILLA		\$305.88
	Relevy School	\$305.88	144201 IROQUOIS CENTRAL

REFUND-CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 19,800 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: MICHAEL BERGNER

FISCAL YEAR 2006	Petition No.	206172	
	ASSESSOR	Cancel	\$533.49
S-B-L 269.16-1-20		145801 NORTH COLLINS	
	Acct. No. 112	\$285.79	County
	Acct. No. 132	\$247.70	Town/SpecialDist/School
<u>Charge To :</u>	145801 NORTH COLLINS		\$247.70
	Relevy Village	\$17.63	Village of NORTH COLLINS

CANCEL - CLERICAL ERROR, NON-PROFIT EXEMPTION 25230 WAS OMITTED IN THE AMOUNT OF 55,500 ON THE TAX ROLL. RPTL 550(2)C

governments had they not been diverted to each authority for their use; consequently, each authority's operating costs are in fact borne by taxpayers; and

WHEREAS, The Buffalo Fiscal Stability Authority remits its annual rental payments amounting to \$33,000 to the Buffalo Enterprise Revitalization Corporation (BERC); hence the City of Buffalo does not directly benefit from the rental payments; and

WHEREAS, As reported in news media, the ECFSA, when selecting its office space, stated its desire to be independent of the government that they oversee and that it would be incompatible to share office space within the same building; and

WHEREAS, The City of Buffalo and the County of Erie, respectively, each have substantial vacant office space available for use within City and County Hall and the cost of using the vacant office space would be minimal since the office space is currently heated, lit and maintained for security, building integrity and environmental reasons; and

WHEREAS, Consideration of a unique and innovative vacant office space swap endeavor that would have the ECFSA utilize vacant office space within City Hall rent-free and likewise have the BFSa utilize vacant office space within Erie County Hall rent-free would be of tremendous benefit to all involved since it would:

- Allow rental funds to be redirected to other needs or eliminated in an overall cost reduction effort that would save taxpayers approximately \$63,000 annually.
- Mitigate the independence issues raised by the ECFSA.
- Recapture office space for BERC's rental to non-government funded groups.
- Re-utilize vacant office space within government owned buildings at little or no expense.
- Demonstrate inter-municipal cooperation and distribution of similar if not equal burden on adjacent levels of government.
- Enable each authority to lead by example in efforts to explore the sharing of other costs and/or services.

NOW, THEREFORE, BE IT

RESOLVED, that the ECFSA, the BFSa, Erie County Executive and the Mayor of the City of Buffalo report back to the legislative branches of County and City government on the feasibility of this endeavor; and be it further

RESOLVED, that the Clerk of the Legislature forward a copy of this resolution to the ECFSA, the BFSa, the Erie County Executive, the Mayor of the City of Buffalo, and to the members of our New York State Delegation.

(4-0)

4. INTRO 7-17 (2006) **AS AMENDED**
SMITH, IANNELLO, MARINELLI, WHYTE, REYNOLDS, KONST, KOZUB,
LOUGHRAN & HOLT

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WHEREAS, the Erie County Legislature has begun the process of reform and as part of the reform effort is fully committed to exercising and expanding its financial oversight duties; and

WHEREAS, one of the most vital tools in the reform process is to ensure that all Departments in Erie County operate efficiently and that there are not duplication of services or unnecessary layers of personnel and in any of the County's Departments; and

WHEREAS, personnel costs and benefits are one of the largest areas of the County budget, thus, it is also the greatest area of potential cost savings; and

WHEREAS, it is necessary for this Honorable Body to have adequate and up to date information regarding the County workforce to accurately assess how each Department uses its workforce and to actively prevent unnecessary personnel costs; and

WHEREAS, it is incumbent that this Honorable Body possess adequate and accurate information concerning the number of County employees who are scheduled to retire in 2006; and,

WHEREAS, this information is necessary to accurately project personnel costs and provides this Honorable Body with the opportunity to review each position that is vacant through retirement prior to hiring a new employee for the empty position to ensure that there is no duplication of personnel costs; and

WHEREAS, the Legislature has and will continue to diligently exercise its financial oversight authority in an attempt to discover potential cost savings measures.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Commissioner of Personnel provide the Erie County Legislature the following information:

A written list of all County employees who are scheduled to retire in 2006, their Department, titles, salary levels, and whether these positions will be refilled; and be it further

RESOLVED, the Commissioner of Personnel submit the requested information to this Honorable Body by May 23, 2006 at 11:00 AM; and be it further

RESOLVED, that a certified copy of this resolution be filed with the Erie County Executive and the Commissioner of Personnel.

(4-0)

5. COMM. 8E-24 (2006)

COUNTY EXECUTIVE

WHEREAS, when the 2006 O&M Budget was first drafted, the Division of Buildings & Grounds was instructed not to place funds in SAP number 561410, Lab & Tech. Equipment, as that was reserved for more technical equipment that the Division does not normally need, and

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WHEREAS, after the '06 O&M Budget went into effect, the Division attempted to buy vacuum cleaners and was informed that those items need to be purchased from SAP number 561410, and

WHEREAS, as there is no money in that line, and no line exists within the budget, the Division is not able to buy vacuums and other necessary cleaning apparatus.

NOW, THEREFORE, BE IT.

RESOLVED, that the Erie County Legislature authorizes the reallocation of funds within the Division of Buildings & Grounds by moving \$20,000 from SAP number 506200, Repairs & Maintenance, and place it in SAP number 561410, Lab & Tech. Equipment, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works and one copy to the Director of Budget, Management & Finance, the County Executive and the County Comptroller.

(4-0)

DEMONE A. SMITH
CHAIRMAN

Item 26 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

JUNE 1, 2006

HUMAN SERVICES COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WEINSTEIN.

1. **COMM. 10E-12 (2006)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already authorized the County Executive to accept donations from the public for senior services programs as described in Resolve Number 53 in the 2006 adopted budget book, and

WHEREAS, the Department of Senior Services (Department) has reviewed the grant designations for various donations and desires to expand and/or match the donations with revised program funding sources, and

WHEREAS, the Department requests that donations received from individuals for disease prevention and health promotion be accepted in the Disease Prevention and Health Promotion grant, and that donations received for caregiver education and services and adult day care services be accepted in the Elder Caregiver Support Program grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept donations received from individuals for disease prevention and health promotion in the Disease Prevention and Health Promotion grant, and that donations received for caregiver education and services and adult day care services in the Elder Caregiver Support Program grant, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Comptroller's Office and the Department of Senior Services.

(3-0)

2. **COMM. 10E-15 (2006)** **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is required to maintain records related to the administration of Medicaid, Food Stamps and Temporary Assistance programs consisting of eligibility documents and benefit disbursement detail, and these records are maintained on an optical imaging system to enable sound security and ready access, and

WHEREAS, the preparation and imaging of paper documents is a time consuming and labor intensive process that the Department has been unable to sustain and for which a serious backlog of nearly 2 million pages exists, and

WHEREAS, in recognition of the inability to sustain the current operation, the Department included an amount of \$535,000 in the Adopted Budget for 2006 for contracted services, and a Request for Proposals for imaging services was released and evaluated, and

WHEREAS, based on a comprehensive review of factors including quality, qualifications, technical merit and cost the Department has selected Biel's Information Technology as the contractor of choice, and

WHEREAS, there is no fiscal impact to this resolution, and

WHEREAS, no reduction in current work in effected areas.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and the Commissioner of Social Services are authorized to execute necessary contracts and agreements with Biel's Information Technology Systems Corporation for optical imaging services, at a rate of 5.1 cents per image, there being sufficient funds for this purpose in the 2006 Professional Services Contracts and Fess appropriation (Account 516020) in the budget of the Department of Social Services, and be it further

RESOLVED, that efforts will be made to develop an in-house system of optical imaging for county-wide usage; and be it further

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RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(3-0)

3. COMM. 10E-24 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE) and Expanded In-Home Services for the Elderly Program (EISEP) grants for the period April 1, 2005 to March 31, 2006, the Weatherization Referral and Packaging Program (WRAP-SOFA) for the period October 1, 2005 to September 30, 2006, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) that the EISEP grant has been extended through May 31, 2006, and

WHEREAS, the Department has reviewed the grant budgets and actual costs of carrying out each program's objectives and desires to maximize use of State and Federal funds, and

WHEREAS, the grant budgets for CSE, EISEP and WRAP-SOFA are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the CSE grant, 163CSE0506, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
502000	Fringe Benefits	\$41,550	\$7,000	\$48,550
516010	Contractual-St. Augustine Center	123,374	-2,000	121,374
530000	Other Expenses	2,515	-1,000	1,515
561440	Motor Vehicles	42,700	-4,000	38,700
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that the budget for the EISEP grant, 163EISEP0506, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full Time Salaries	\$408,790	-\$30,000	\$378,790
502000	Fringe Benefits	130,512	37,750	168,262
505000	Office Supplies	4,500	-3,400	1,100

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516020	Professional Services-Home Care	154,325	53,350	207,675
516020	Professional Services-Adult Day Care	40,000	-19,000	21,000
	Professional Services-Software			
516020	Support	28,000	-28,000	0
516020	Professional Services-PERS	15,000	-6,600	8,400
530000	Other Expenses	9,930	-7,500	2,430
980000	ID DISS Services	18,000	3,400	21,400
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the WRAP-SOFA grant,163WRAP-SOFA0506, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
500000	Salaries	\$177,815	-\$3,800	\$174,015
502000	Fringe Benefits	71,131	3,600	74,731
505000	Office Supplies	1,500	-1,150	350
	Local Mileage			
510000	Reimbursement	3,000	3,950	6,950
510100	Out of Area Travel	500	-500	0
980000	ID DISS Services	5,000	-2,100	2,900
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office; the Division of Budget, Management and Finance; the Comptroller's Office and the Department of Senior Services.

(3-0)

THOMAS J. MAZUR
CHAIRMAN

Item 27 – MR. KOZUB presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

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MAY 4, 2006

PUBLIC SAFETY COMMITTEE
 REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 27M-7 (200)
GLOBAL TEL*LINK CORPORATION: Copy of Letter to EC Sheriff Dept. Re: RFP
 Inmate Telephone/Calling Service
 (4-0)
 - b. COMM. 5E-33 (2006)
COUNTY EXECUTIVE: CPS - Authorization for Networking and Programming Services
 from Computer Consulting Services (CCS) of WNY
 (4-0)
 - c. COMM. 8M-8 (2006)
TIMOTHY J. DRURY - ERIE COUNTY COURTY JUDGE: Conditions of Erie County
 Holding Center and Correctional Facility
 (4-0)
2. COMM. 7E-18 (2006)
COUNTY EXECUTIVE
 WHEREAS, funds have been received from the Federal Emergency Management Agency
 (FEMA) for claims submitted on behalf of agencies who rendered aid to Hurricane Katrina
 Evacuees, and

WHEREAS, these funds were received from Federal Declaration Number EM3262NY by
 Erie County on behalf of these agencies who submitted claims through Erie County with the
 preparation and assistance by the New York State Emergency Management Office (SEMO), and

WHEREAS, these funds were received for aid given by various agencies to Katrina
 Evacuees for aid and/or assistance.

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency
 Services, is hereby authorized to receive this funding on behalf of the agencies who rendered aid
 and/or assistance to the Hurricane Katrina Evacuees who came to Western New York, and be it
 further

RESOLVED, that the following budgetary transactions are authorized in order to disburse
 this funding to the agencies who rendered the aid and/or assistance to the Hurricane Katrina
 Evacuees who came to Western New York,

Department of Emergency Services

Hurricane Katrina Aid Grant

Revenue	
SAP 409000 - State Aid	<u>\$ 50,000</u>
TOTAL	<u>\$ 50,000</u>

Appropriations	
SAP 516010 – Non-Profit Purchase of Service	<u>\$ 50,000</u>
TOTAL	<u>\$ 50,000</u>

and, be it further

RESOLVED, that the County Executive is authorized to enter into agreements with various municipalities, vendors, contractors and/or consultants as required by this resolution for provision of services, supplies or equipment as necessary for program implementation; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required with Federal and State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Division of Budget, Management and Finance, the Office of the Comptroller, Central Police Services and the Department of Emergency Services.

(4-0)

3. COMM. 7E-36 (2006)

SHERIFF

WHEREAS, the State of New York Governor's Traffic Safety Committee has awarded \$21,636 to the Erie County Sheriff's Office to participate in the statewide "Selective Traffic Enforcement" Program, and

WHEREAS, these funds will be used to fund overtime and purchase equipment dedicated to reducing unsafe driving behavior in an effort to decrease serious injury or death from traffic accidents.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to accept funding in the amount of \$21,636 from the State of New York Governor's Traffic Safety Committee, and be it further

RESOLVED, that authorization is hereby provided to budget those funds as follows:

ERIE COUNTY SHERIFF'S OFFICE – FUND CENTER 11510

REVENUE

INCREASE

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SAP Account 409020 – Miscellaneous State Aid	<u>21,636</u>
TOTAL REVENUE	<u>21,636</u>
APPROPRIATIONS	INCREASE
SAP Account 501000	18,930
SAP Account 561410	<u>2,706</u>
TOTAL APPROPRIATIONS	<u>21,636</u>

And be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, and the Office of the Sheriff for implementation.
(3-0)

4. COMM. 8E-14 (2006)

COUNTY EXECUTIVE

WHEREAS, the County of Erie for the Citizens Corps Council has been awarded a grant by the New York State Emergency Management Office, hereafter known as SEMO, and

WHEREAS, SEMO requires that grant recipients enter into an agreement with the State that details the requirements and timeline to be adhered to in order to receive grant funding,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into an agreement with SEMO and accept funding in the amount of up to \$47,993 and be it further

RESOLVED, that authorization is hereby provided to establish a Citizens Corps Council grant in the Central Police Services Department to implement this program as follows:

Grant Fund
New York State Emergency Management Office (SEMO) Grant
Central Police Services
October 1, 2004 – March 31, 2007

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 – State Aid – Criminal Justice Program	\$47,993
<u>Total Revenue</u>	\$47,993
<u>Appropriation</u>	<u>Increase</u>
Account 516010-	

Direct Agreement with ECC Workforce Development	\$47,993
Total Appropriation Department 165	\$47,993

RESOLVED, that the County Executive is authorized to enter into an agreement with ECC Workforce Development as required by the SEMO Grant for provision of services, supplies or equipment as necessary for program implementation; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with approved sponsor funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Central Police Services and the Department of Probation.
(3-0)

5. COMM. 8E-15 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Forensic Lab has been awarded a Firearm Lab Capacity Enhancement Initiative grant to be administered by the New York State Division of Criminal Justice Services; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to expand its capacity to analyze evidence submitted from firearm/shooting related cases.

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$71,890 with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-Department 165
Central Police Services
Forensic Laboratory SAP #165FIREARMENH0607
3/31/2006 to 3/31/2007

<u>Revenue</u>	<u>Increase</u>	
Acct. 409000 State aid	\$71,890	
 <u>Appropriation</u>	 <u>Increase</u>	
Account 500000	Personnel	\$45,462

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Account 501000	Overtime	\$14,040
Account 502000	Fringe Benefits	\$11,995
Account 506200	Supplies	\$ <u>393</u>
Total Appropriation		\$71,890

And be it further,

RESOLVED, that the positions of Firearms Examiner, JG 10 (B-100 1945) and two positions of Firearms Examiner (PT) JG 10 (B-100 1946) are hereby authorized in the Firearm Lab Capacity Enhancement Initiative Grant, and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with Federal and State approved funding levels, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Comptroller's Office and the Department of Central Police Services/Emergency Services.
(4-0)

6. COMM. 8E-16 (2006) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, reliable Public Safety Communications has always been one of the top priority needs for first responders, and

WHEREAS this statewide initiative identified Erie County as the first build-out of the statewide 800 MHz system, and

WHEREAS, the New York State Wireless Network has established fifteen (15) months as the time frame for build-out of the pilot in Erie County, and

WHEREAS, because of this compressed timeframe, NYSWN has requested that Erie County move as expeditiously as possible to insure that Erie County and NYSWN's efforts are coordinated, and

WHEREAS, the Erie County Legislature has previously authorized Erie County to sign a Memorandum of Understanding with New York State to partner on the build-out of this communications system, and

WHEREAS, this License Agreement is between MS/Com and the County of Erie to access and test at county facilities for inclusion in the Statewide 800 MHz Project, and

WHEREAS, Erie and Chautauqua Counties and the Metropolitan Transportation Authority are the Pilot Project areas for this new 800 MHz Radio System, and

WHEREAS, the costs of this initial pilot project will be the responsibility of New York State.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to sign the contract between Erie County and the M/A – Com, Inc. to do entry and testing at County sites, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Comptroller, the Commissioner of Central Police Services and the Director of Budget, Management and Finance.

(4-0)

7. COMM. 8E-25 (2006)

COUNTY EXECUTIVE

WHEREAS, the United States Department of Justice - Violence Against Women has awarded \$496,553 to the Erie County Probation Department as part of the Grants to Encourage Arrest Policies and Enforce Orders of Protection, and

WHEREAS, the budget reallocation will allow for the use of all allocated funds.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to transfer funds, and be it further

RESOLVED, that authorization is hereby provided to budget those funds in the grant fund as follows:

Erie County Probation and Youth Detention Services
Dept Code 650-Violence Against Women
August 1, 2003 to December 31, 2005

<u>Revenue</u>	Federal	<u>From</u>	<u>Change</u>	<u>To</u>
	Aid			
	Miscellaneous			
<u>Acct.</u>	Total	496,553		496,553
	Revenue			
	Appropriations			
500000	Personnel	127,526	-440.48	127085.5 2
501000	Overtime	4806		4806
502000	Fringe Benefits	39231	+4182.34	43,413.3 4
516010	Contracts	72,149		72,149

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505000	Supplies	5250	-65.00	5,185
510000	Local Mileage		+7455.20	7,455.20
561410	Equipment	7884	- 5031.25	2,852.75
510100	Travel Out of Area	24475	-7000	17,475
980000	ID DISS Services	1000	+4583	5,583
	ID Sheriff	112,989		1
911500	Division Services			12,989
916500	ID CPS Services	101,243	- 3683.81	9
				7,559.19
Total Expense		496,553		4
				96,553

and it be further

RESOLVED, that certified copies be forwarded to the County Executive, the Division of Budget, Management and Finance, the Department of Personnel, the Office of the Comptroller and the Office of the Sheriff for implementation.

8. COMM. 8E-31 (2006)

COUNTY EXECUTIVE

WHEREAS, the New York State Office of Court Administration has requested a Principal Court Deputy to supervise the Deputies assigned to courtroom security; and

WHEREAS, the New York State Office of Court Administration will reimburse the County of Erie for the entire cost of this position under the current contract between the parties; therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create one (1) Principal Court Deputy, Job Group 11 position; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

REVENUE

INCREASE

Business Area 116 – Jail Management Division

Account 408530 – State Aid Criminal Justice Programs \$ 65,492

Total Revenue \$ 65,492

APPROPRIATIONS

INCREASE

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Business Area 116 – Jail Management Division

Account 500000 – Personal Services	\$42,619
Account 500320 – Uniform Allowance	750
Account 500340 – Line-Up	3,688
Account 502000 – Fringe Benefits	18,185
Account 505200 – Clothing Supplies	<u>250</u>
Total Appropriation	<u>\$ 65,492</u>

And be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, the Department of Personnel and the Office of the Sheriff for implementation.
 (4-0)

DANIEL M. KOZUB
CHAIRMAN

Item 28 – MR. LOUGHRAN presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

MAY 4, 2006

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed.
 - a. COMM. 6E-21 (2006)
COUNTY EXECUTIVE: ECSD No. 4 - Contract No. 37 - Didion Road and Brunck Rd. - Sanitary Sewer Project - Bid Opening
 (4-0)
 - b. COMM. 7E-21 (2006)
COUNTY EXECUTIVE: ECSD No. 3 - Erie County Sewer Agency Report - Engel Drive Extension
 (4-0)
 - c. COMM. 7E-22 (2006)
COUNTY EXECUTIVE: ECSD No. 6/STSTA - Disinfection Improvements - Contract No. 6ST-B - Change Order No. 1 - John W. Danforth Company

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(4-0)

- d. COMM. 7D-7 (2006)
DEP: SEQR - Solicitation for Lead Agency Status - Boston State Road - Town of Boston - ECSD No. 3
 (4-0)
- e. COMM. 8E-22 (2006)
COUNTY EXECUTIVE: ECSD No. 2 - Engineer Term Agreement - Work Order:MPI-5
 (4-0)

2a. COMM. 28E-15 (2006) **AS AMENDED**
COUNTY EXECUTIVE
 RESOLUTION NO. 139 -2006

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2006.

(Adopted) _____, 2006.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, the Village of Hamburg and the Village of Blasdell; and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No. 3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of

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Managers of the Southtowns Sewer Management Agency on October 27, 2005 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District (Southtowns Sewage Treatment Agency), consisting of the replacement of three fuel oil tanks, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$1,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg and (vi) the Village of Blasdell; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, said County Legislature duly adopted Resolution No. 61-2006 on March 2, 2006, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on April 6, 2006, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County-Southtowns Sewage Treatment Agency, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$1,000,000.

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Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$1,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg, and (vi) the Village of Blasdell; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

Section 3. This resolution shall take effect immediately.

(4-0)

2b. COMM. 28E-15 (2006)

AS AMENDED

COUNTY EXECUTIVE

RESOLUTION NO. 140-2006

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2006.

(Adopted) _____, 2006.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, most of the Town of Orchard Park, and parts of the Towns of West Seneca and Hamburg; and

WHEREAS, since the 1970s extensions to the District known as the Boston Valley, Armor-McKinley, Blasdell, Hamburg and Holland Extensions were formed; and

WHEREAS, the District and all extensions thereof were consolidated in 2003; and

WHEREAS, the Board of Managers of Erie County Sewer District No. 3 has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of Erie County Sewer District No. 3 on December 7, 2005 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the installation of approximately 5,500 linear feet of 8 inch diameter polyvinyl chloride (PVC) pipe, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$592,000, to be apportioned among real properties in the District in

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accordance with (i) their respective proportionate shares of sewerred units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 3; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$1.00; and

WHEREAS, said County Legislature duly adopted Resolution No. 60-2006 on March 2, 2006, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on April 6, 2006, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 3, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$592,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$592,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewerred units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 3.

Section 3. This resolution shall take effect immediately.

2c. COMM. 28E-15 (2006)
COUNTY EXECUTIVE

AS AMENDED

RESOLUTION NO. 141

RESOLUTION DATED _____, 2006.

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A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF THE ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2006
 (Adopted) _____, 2006

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated February 15, 2006 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated February 15, 2006, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be a cost increase of \$0.50 per unit incurred by the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing collection systems and related facilities, in accordance with applicable flat charges and charges based on units, assessed value and footage, specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral hook-up, \$250 per home for inspections associated with subdivisions and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 3 because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 3 in accordance with the provisions of Sections 254 and 274 of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor in Buffalo, New York, in said County, on the 25th day of May 2006, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public

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hearing upon the aforesaid proposal to extend the Erie County Sewer District No. 3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor in Buffalo, New York, in said County, on the 25th day of May, 2006, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of the Erie County Sewer District No. 3 in said County.

The extension of said Erie City Sewer District No. 3 shall be substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated February 15, 2006 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated February 15, 2006, heretofore filed with the Board of Managers of Erie County Sewer District No. 3.

The proposed extension of the Erie County Sewer District No. 3 shall comprise the area described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 18, Township 9, Range 8 of the Holland Land Company's Survey, and further described as follows:

BEGINNING at a point on the north line of Old Lakeview Road, the said point also being on the east line of Engel Drive; thence easterly along the north line of Old Lakeview Road, a distance of 118 feet more or less to the southeast corner of Parcel No. 195.03-2-8; thence northerly along the east line of said parcel, a distance of 186 feet more or less to the northeast corner of said parcel; thence westerly along the north line of said parcel, a distance of 53 feet more or less to the northeast corner of Sublot No. 1, Map Cover 1761 as filed in the Erie County Clerk's office; thence northerly along the east line of said Map Cover and extension thereof, a distance of 495 feet more or less to the northeast corner of Parcel No. 195.03-2-2.1; thence westerly at a right angle, a distance of 256 feet more or less to the west line of Engel Drive; thence northwesterly along a curve to the left and along the Engel Drive right-of-way, a distance of 129 feet more or less to the east line of Sublot No. 7, Map Cover 1761; thence northerly along the east line of said Sublot No. 7, a distance of 3 feet more or less to the northeast corner of said Sublot No. 7; thence westerly along the north line of said Sublot No. 7, a distance of 290 feet more or less to the northwest corner of Sublot No. 7, Map Cover 1761; thence southerly along the west line of Map Cover 1761, a distance of 829 feet more or less to the southwest corner of Sublot No. 13, Map Cover 1761; thence easterly along the south line of Map Cover 1761, a distance of 375 feet more or less to the north line of Old Lakeview Road; thence easterly along the north line of Old Lakeview Road, a distance of 130 feet more or less to the point or place of beginning.

No additional capital improvements are proposed to be constructed however, there will be a cost increase of \$0.50 per unit incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the

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existing collection systems and related facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Hook up fees are currently \$250 per home for a lateral hook-up, \$250 per home for inspections associated with subdivisions and a \$2 permit fee at the time of connection.

Dated: Buffalo, New York,

_____, 2006.

BY ORDER OF THE COUNTY LEGISLATURE
OF THE COUNTY OF ERIE, NEW YORK

By _____

Kevin M. Kelley
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in Amherst Bee and in Front Page, the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.

(4-0)

3. COMM. 6E-22 (2006) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District Number 2, Utica Trunk Sewer Replacement Project, Contract 60EV on April 6, 2006.

<u>Contract</u>	<u>Lower Responsible Bidder</u>	<u>Amount Bid</u>
Contract 60EV	CMH Construction, Inc. 2067 Old Union Road Cheektowaga, New York 14227	\$838,856.00

WHEREAS, the aforementioned lowest Responsible bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Sutica Trunk Sewer Replacement Project, Contract No. 60EV be awarded to the lowest responsible bidder as follows:

<u>Contract</u>	<u>Lower Responsible Bidder</u>	<u>Amount Bid</u>
Contract 60EV	CMH Construction, Inc.	\$838,856.00

2067 Old Union Road
 Cheektowaga, New York 14227

And be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$838,856.00 from Sewer Capital, Erie County Sewer District No. 2, Account C.00011, for Contract 60EV; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning; one certified copy to Gregory Gach, Erie County Comptroller's Office and one certified copy to Gregory Dudek, Assistant County Attorney.

4. COMM. 7E-23 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 6ST-C, Plumbing, to W.C. Roberson Plumbing & Construction Corp. for the disinfection improvements at the Southtowns Sewage Treatment Plant; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 6ST-C, Plumbing, in the final contract amount of \$36,117.50 which includes Change Order No. 2 (final), a decrease of \$1,000.00, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 6ST-C, Plumbing, between the County of Erie and W.C. Roberson Plumbing & Construction Corp., 602 East Delevan Avenue, Buffalo, NY 14211 is accepted in the amount of \$36,117.50, which includes Change Order No. 2 (final), a decrease of \$1,000.00, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 6ST-C, Plumbing, between the County of Erie and W.C. Roberson Plumbing & Construction Corp. in the amount of \$36,117.50 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to Joel Giambra, County Executive, Mark Poloncarz, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Kenneth Vetter, Director of Budget and Management.

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(4-0)

5. COMM. 7E-24 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 66STP-C, Plumbing, to W.C. Roberson Plumbing & Construction Corp. for the disinfection improvements at the Big Sister Creek Treatment Plant; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 66STP-C, Plumbing, in the final contract amount of \$9,700.00 which includes Change Order No. 1 (final), a decrease of \$5,000.00, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 66STP-C, Plumbing, between the County of Erie and W.C. Roberson Plumbing & Construction Corp., 602 East Delevan Avenue, Buffalo, NY 14211 is accepted in the amount of \$9,700.00, which includes Change Order No. 1 (final), a decrease of \$5,000.00, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 66STP-C, Plumbing, between the County of Erie and W.C. Roberson Plumbing & Construction Corp. in the amount of \$9,700.00 and the release of retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to Joel Giambra, County Executive, Mark Poloncarz, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Kenneth Vetter, Director of Budget and Management.

(4-0)

6. COMM. 7E-25 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management retained the services of the County's performance contractor to perform a comprehensive energy audit at various facilities within Erie County Sewer District No. 6, pursuant to Communication No. 14E-50; and

WHEREAS, the study identified several energy conservation measures that would lower the utility costs incurred by Erie County Sewer District No. 6; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management concurs with the recommendations and proposed program offered for Erie County Sewer District No. 6; and

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WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has identified the need to retain the performance contractor to provide engineering design and construction phase services for implementation of the recognized energy conservation measures for County-owned facilities in Erie County Sewer District No. 6; and

WHEREAS, the Department of Environment and Planning has recommended the firm of Chevron Energy Solutions Company, 12980 Foster Drive, 4th Floor, Overland Park, Kansas 66213-2649 for this work.

NOW, THEREFORE, BE IT

RESOLVED, that the firm of Chevron Energy Solutions Company be retained at a cost not to exceed \$300,000 for engineering design and construction of the energy conservation measures; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Energy Performance Contract with the firm of Chevron Energy Solutions Company, 12980 Foster Drive, 4th Floor, Overland Park, Kansas 66213-2649, to provide the needed engineering and construction services, subject to approval as to form by the County Attorney's Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Director of Budget, Management and Finance be directed to allocate a total of \$300,000 for the Agreement from Sewer Capital Account C.00001; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Joel A. Giambra, County Executive; Mark C. Poloncarz, Erie County Comptroller; Gregory J. Dudek, Assistant County Attorney; and Kenneth Vetter, Director of Budget, Management and Finance.

(4-0)

7. COMM. 7E-29 (2006)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works and the Department of Environment and Planning/Division of Sewerage Management advertised and received qualification statements from firms interested in contracting with Erie County through Performance Contracting, and

WHEREAS, Performance Contractors evaluate assigned facilities and determine programs in which capital improvements are fully funded by the savings derived from those improvements, and

WHEREAS, those savings are guaranteed and the program has a ten or fifteen year length, and

WHEREAS, a review team was established that evaluated the Request for Qualification statements and recommends that two firms, Siemens Building Technologies and Chevron Energy Solutions, be awarded contracts.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the award of a general contract to Siemens Building Technologies and Chevron Energy Solutions for the execution of Performance Contracting at County-owned facilities as assigned by the Department of Public Works and the Department of Environment and Planning, and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Commissioner of Environment & Planning, the Director of Budget, Management and Finance, and the Office of the Comptroller.

(4-0)

8. COMM. 8E-10 (2006)

COUNTY EXECUTIVE

WHEREAS, The County of Erie has been authorized to enter into an agreement with the New York State Canal Corporation to coordinate design and construction of the Erie Canal Way Trail through parts of the Towns of Amherst and Tonawanda in accordance with Resolution Comm. 2E-39 adopted February 15, 2001; and

WHEREAS, a first amendatory agreement to said agreement was executed on March 3, 2005 in accordance with Resolution Number Comm. 8 E-9 adopted May 22, 2003; and

WHEREAS, prior to project bidding the New York State Canal Corporation, New York State Department of Transportation, and Federal Highway Administration require land control agreements to be in place allowing public access to the trails being developed on Erie County and New York State Canal Corporation lands.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a second amendatory agreement to the original contract with the New York State Canal Corporation dated January 24, 2002; and be it further

RESOLVED, that the second amendatory agreement shall allow public access to County right of way whereon the Canal Way Trail is located for a period of 25 years; and be it further.

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Director of the Division of Budget, Management and Finance, the County Comptroller, the Commissioner of the Department of Environment and Planning, and the Commissioner of Public Works.

(4-0)

9. COMM. 8E-12 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District Number 4, Didion and Brunck Road Sewer Extension, Contract 37 on April 7, 2006.

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<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 37	Accadia Site Contracting, Inc. 5636 Transit Road Depew, New York 14043	\$526,256.75

WHEREAS, the aforementioned lowest responsible bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that Didion and Brunck Road Sewer Extension, Contract 37 be awarded to the lowest responsible bidder as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 37	Accadia Site Contracting, Inc. 5636 Transit Road Depew, New York 14043	\$526,256.75

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$526,256.75 from Sewer Capital, Erie County Sewer District No. 4, Account C.00063, for Contract 37; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning; one certified copy to Gregory Gach, Erie County Comptroller's Office and one certified copy to Gregory Dudek, Assistant County Attorney.
(4-0)

**THOMAS J. LOUGHRAN
CHAIRMAN**

LEGISLATOR RESOLUTIONS

Item 29 - CHAIRMAN MARINELLI directed that the following item be referred to the HEALTH COMMITTEE.

GRANTED.

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INTRO 9-1 from the RANZENHOFER, MILLS and WEINSTEIN Re: Waiver of Health Dept. Section 11 Sanitary Code Fees for Charitable, Philanthropic, Religious and Municipal Corporations

Item 30 – CHAIRMAN MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 9-2 from KOZUB & HOLT Re: Encouraging the Reconsideration of Broadway Market Federal Funding and the Renewed Friendship Between Market Officials and Congresswoman Louise M. Slaughter

Item 31 - CHAIRMAN MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 9-3 from KONST, LOCKLEAR, RANZENHOFER & MILLS Re: Erie County Road Construction

Item 32 – CHAIRMAN MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 9-4 from KONST, LOCKLEAR, IANNELLO, MAZUR, SMITH, RANZENHOFER & WEINSTEIN Re: Cap on Gasoline Tax

Item 33 – CHAIRMAN MARINELLI directed that the following item be referred to the HEALTH COMMITTEE.

GRANTED.

INTRO 9-5 from IANNELLO & REYNOLDS Re: Resolution for Commissioner Billitier to Appear Before Legislature Re: Bird Flu Pandemic

Item 34 – CHAIRMAN MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 9-6 from IANNELLO & REYNOLDS Re: Resolution for Removal of Thru-Way Tolls on Grand Island

Item 35 – CHAIRMAN MARINELLI directed that the following item be referred to the HEALTH COMMITTEE.

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GRANTED.

INTRO 9-7 from IANNELLO & REYNOLDS Re: Resolution Against Legalization of Drugs

Item 36 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. HOLT seconded. MS. IANNELLO, MS. KONST, MR. KOZUB and MR. SMITH voted in the negative.

CARRIED. (11-4)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

RE: 2006 Legislature Budget Technical
Amendments (INTRO 9-9)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS WEINSTEIN, RANZENHOFER & MILLS**

RE: 2006 LEGISLATURE BUDGET TECHNICAL AMENDMENTS

MR. WEINSTEIN moved to amend the item. MR. RANZENHOFER seconded. MS. IANNELLO, MS. KONST and MS. LOCKLEAR voted in the negative.

CARRIED. (12-3)

WHEREAS, the 2006 Erie County Legislature continues to monitor its budget on a daily budget to assure that it is operating a more cost efficient legislative branch of government; and

WHEREAS, the Erie County Minority members of the Legislature feel the need to hire a full time Central Staff person to assist them in their daily operations; and

WHEREAS, adequate funding exists in the departmental budget to fund this position.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget amendments to the Legislature's 2006 Adopted Departmental Budget, all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2006:

EFFECTIVE MAY 15, 2006

Fund Center 100, Cost Center 1004040 Minority

ADD (1) Senior Admin Clerk Leg with a variable minimum JG9 Step 5 (\$43,279)

RESOLVED, upon the creation of this position the Minority Leader shall have the ability to appoint and designate or terminate this position for the budget year 2006; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Personnel Commissioner, County Attorney, and Comptroller.

MR. WEINSTEIN moved to approve the item as amended. MR. RANZENHOFER seconded. MS. IANNELLO, MS. KONST and MS. LOCKLEAR voted in the negative.

CARRIED. (12-3)

Item 38 – CHAIRMAN MARINELLI directed that the following item be referred to the HEALTH COMMITTEE.

GRANTED.

INTRO 9-10 from KOZUB, MARINELLI, WHYTE, HOLT, LOUGHRAN Re: Supervision of Children at Pools in Public Schools.

Item 39 – MS. WHYTE presented the following resolution and moved for consideration. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

WHEREAS, each year the Erie County Holding Center processes more than 20,000 detainees who are awaiting trial on various criminal offense; and

WHEREAS, the pre-trial detainees have been charged with a criminal offense and are awaiting trial or other court proceedings. They have not been convicted and in many cases are released from the Holding Center after their court proceedings are completed; and

WHEREAS, in 2005 Erie County provided basic medical care to approximately 8,000 pre-trial detainees and that approximately 1,225 pre-trial detainees were sent to Erie County Medical Center for urgent medical treatment; and

WHEREAS, Erie County spends millions of dollars each year for medical care and treatment Holding Center detainees; and

WHEREAS, many of the pre-trial detainees received Medicaid and Medicare prior to their detention in the Holding Center; and

WHEREAS, according to the United States Code of Federal Regulations Title 43 Part 435.1008, pre-trial detainees can be stripped of their right to collect Medicaid thus, these health care programs are not available to pre-trial detainees; and

WHEREAS, this immediate cessation of benefits occurs prior to the issuance of formal charges or conviction; and

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WHEREAS, as the result of the immediate cessation of federally subsidized medical benefits, all costs of medical care must be borne solely by Erie County.

WHEREAS, if federally subsidized medical care were available to individuals held in pre-trial detention, it would result in substantial reduction in the cost of running the Holding Center and would translate into substantial benefits to Erie County taxpayers.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature requests that the United States Congress amend all necessary federal statutes to allow federal financial participation for medical benefits for all pre-trial detainees until they are convicted to a crime and sentenced to incarceration in a secure facility; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the President of the United States of America and Federal Legislators who represent the County of Erie.

MS. WHYTE moved to amend the item by adding LEGISLATORS MILLS, LOCKLEAR, IANNELLO, MAZUR and KENNEDY as co-sponsors. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN MARINELLI directed the item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 40 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 9E-25 from the COUNTY EXECUTIVE Re: Appointment to ECSD #3 Board of Managers

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

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Item 41 – (COMM. 9E-1) Response to Wireless Audit

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 42 – (COMM. 9E-2) Financial Report of COE for Three (3) Months Ended 3/31/2006

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM LEGISLATOR MILLS

Item 43 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MR. MILLS abstained.

CARRIED UNANIMOUSLY. (14-0)

RESOLUTION NO. 144

RE: Legislative Office Space (COMM. 9E-3)

RESOLVED, the Erie County Executive is hereby authorized to sign an Two (2) Year Lease Agreement with Dent-Law Inc. for Legislative office space for John J. Mills, located at 5 Fairlawn Dr., East Aurora for a monthly rate of \$475.

FROM THE COMPTROLLER

Item 44 – (COMM. 9E-4) Wendt Beach Concessions

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 45 – (COMM. 9E-5) Appointment to Senior Services Advisory Board

Received, Filed and Printed.

May 9, 2006

The Honorable
 Erie County Legislature
 25 Delaware Avenue
 Buffalo, New York 14202

Re: Appointment to the Erie County Fire Advisory Board

Honorable Members:

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Pursuant to the power vested in me by Section 1607 of Article 16 of the Erie County Charter, I, Joel A. Giambra, Erie County Executive, do hereby appoint and submit for your confirmation the following individual to the Erie County Fire Advisory Board to replace Michael Gates who has resigned.

<u>Name</u>	<u>Term Expires</u>
Mr. Robert Newell 5502 Oakridge Hamburg, New York 14075	December 31, 2007

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG:jdl

cc: Appointee
 Dean Messing, Department of Emergency Services
 James McCullough, Department of Emergency Services

Item 46 – (COMM. 9E-6) Appointment to the Erie County Fire Advisory Board

Item 47 – (COMM. 9E-7) CPS - Extension of Contract w/ L. Robert Kimball -
 Communication Consultant - Addendum 2 to PO 4000002112

Item 48 – (COMM. 9E-8) CPS - Proposed Resolution to Purchase Two Mobile Command
 Vehicles Out of Urban Area Security Initiative (UASI) Year 2004 Funding

The above three items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 49 – (COMM. 9E-9) Health - LEADSAFE Outreach Grant 11/1/05 - 10/31/07 - SAP
 TITLE: 127LEADOUTREACH0507

Item 50 – (COMM. 9E-10) Health - Healthy Homes Initiative 10/1/94 - 9/30/06 - SAP Title:
 127HEALTHYHOMES0407

The above two items were received and referred to the HEALTH COMMITTEE.

Item 51 – (COMM. 9E-11) Social Services - Greater Buffalo Works Contract

Item 52 – (COMM. 9E-12) Senior Services - Authorization to Establish the LTCIEOP Grant
 Budget

Item 53 – (COMM. 9E-13) Senior Services - Authorization to Amend the HOPE Grant
 Budget

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The above three items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 54 – (COMM. 9E-14) Health - Women, Infants and Children's Supplemental Nutrition (WIC) Program - 10/1/05 - 9/30/06 - SAP 127WIC0506 - Cost Center 1271670

Received and referred to the HEALTH COMMITTEE.

Item 55 – (COMM. 9E-15) ECSD Nos. 1, 4 & 5 - Contract No. 38 - Pleasantview Drive Pumping Station & Northern Region Office Generator Sets Bid Opening

Item 56 – (COMM. 9E-16) STSTA - Contract No. 9UST - Fuel Tanks Replacement - Bid Opening

Item 57 – (COMM. 9E-17) ECSD No. 3 - Village of Blasdell Sanitary Sewer System - Rehabilitation Project

Item 58 – (COMM. 9E-18) ECSDs/WNY Council on Occupational Safety & Health Proposed Agreement

The above four items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 59 – (COMM. 9E-19) Changing Senior Chief Stationary Engineer (PT) to Senior Chief Stationary Engineer (RPT)

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 60 – (COMM. 9E-20) Authorization to Accept a Grant from HUD for \$716,843 & Increase the 2006 Appropriation to Lake Shore Behavioral Health, Inc. to Execute This Grant

Item 61 – (COMM. 9E-21) Authorization to Accept a Grant from HUD for \$1,473,410 & Increase the 2006 Appropriation to Horizon Human Services, Inc. to Execute This Grant

The above two items were received and referred to the HEALTH COMMITTEE.

Item 62 – (COMM. 9E-22) ECSSTA - Siemens Building Technologies, Inc. - Energy Performance Contract - Change Order No. 4

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 63 – (COMM. 9E-23) Social Services - WNY Managed Care Coalition

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 64 – (COMM. 9E-24) 2005 Year End Budget Balancing Amendment

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Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM BUDGET, MANAGEMENT & FINANCE

Item 65 – (COMM. 9D-1) Third BMR for FY2006

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

Item 66 – (COMM. 9D-2) Minutes of Board of Trustees Meeting Held 3/22/2006

Item 67 – (COMM. 9D-3) Notice of Board of Trustees Meeting Held 5/10/2006

The above two items were received and filed.

Item 68 – (COMM. 9D-4) 2006-2007 Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO AND ERIE COUNTY PUBLIC LIBRARY

Item 69 – (COMM. 9D-5) Library Protection Act

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 70 – (COMM. 9D-6) Transmittal of New Claims Against Erie County

Received and filed.

FROM THE COMPTROLLER'S OFFICE

Item 71 – (COMM. 9D-7) Receipt of Unclaimed Funds

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ECIDA

Item 72 – (COMM. 9M-1) Notice of Meeting Held 5/8/2006

Received and filed.

FROM THE TOWN OF HAMBURG

Item 73 – (COMM. 9M-2) Request for Consolidation of Sewer Services w/ECSD No. 3

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BOARD OF HEALTH

Item 74 – (COMM. 9M-3) Notice of Board of Health Meeting To Be Held 5/25/2006

Received and filed.

FROM THE HAMBURG TOWN BOARD

Item 75 – (COMM. 9M-4) Copy of Certified Resolution Re: Gas Prices

Received and filed.

FROM THE NFTA

Item 76 – (COMM. 9M-5) NFTA Board Minutes From Meeting Held 3/27/06

Item 77 – (COMM. 9M-6) Notice of Proposed Rulemaking

The above two items were received and filed.

FROM THE NYS DEPT. OF AGRICULTURE & MARKETS

Item 78 – (COMM. 9M-7) Request for Proposals for Farmland Protection Implementation Project

Received and filed.

MEMORIAL RESOLUTIONS

Item 79 – MR. KENNEDY requested that when the legislature adjourns, it do so in memory of Cy Williams.

Item 80 – MR. KENNEDY requested that when the legislature adjourns, it do so in memory of Dorothy Coyne.

Item 81 – MR. MAZUR requested that when the legislature adjourns, it do so in memory of Mike Orłowski.

Item 82 – MR. REYNOLDS requested that when the legislature adjourns, it do so in memory of Chris Howe.

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ADJOURNMENT

Item 83 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. SMITH moved that the Legislature adjourn until Thursday, May 25, 2006 at 2 p.m. Eastern Standard Time. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, May 25, 2006 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK